

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF TEXAS

United States of America

v.

Elijah Anthony Serna

Defendant(s)

Case No. 4:20MJ1

4:20mj0017United States Courts
Southern District of Texas
FILED

January 08, 2020

David J. Bradley, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 6, 2019 in the county of Collin in the
Eastern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 2251(a)

Sexual Exploitation of Children a/k/a Production of Child Pornography

18 U.S.C. § 2252A(a)(2)(A)

Distribution of Child Pornography

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Special Agent Peter Craanen, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/03/2020*Judge's signature*City and state: Plano, Texas

Kimberly C. Priest Johnson, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Peter Craanen, being duly sworn under oath, do hereby depose and state:

INTRODUCTION

1. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since January of 2013, and I am currently assigned to the Dallas Division. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States. I am currently assigned to a Child Exploitation Task Force, wherein my duties and responsibilities include investigating criminal violations relating to the sexual exploitation of children. I have investigated these violations since 2013 and have gained expertise in these types of investigations through training in seminars, classes, and my everyday work. In addition, I have received specialized training in the investigation and enforcement of federal child pornography laws and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. §2256) in all forms of media, including computer media.

2. The statements contained in this affidavit are based on information provided by FBI Special Agents and other members of law enforcement; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training and background as a

Special Agent with the FBI. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause to believe that Elijah SERNA did knowingly violate 18 U.S.C. § 2251(a), sexual exploitation of minors a/k/a production of child pornography, and 18 U.S.C. § 2252A(a)(2)(A), distribution of child pornography.

FACTS IN SUPPORT OF PROBABLE CAUSE

3. On or about August 19, 2019, the United States Army Criminal Investigative Division (CID) at Fort Riley, Kansas received a tip from an individual who had seen child pornography on a cellular phone belonging to Wesley Avila. Specifically, the files depicted Avila touching a minor male's genitals. When CID investigators interviewed Avila, he admitted to filming images and videos of himself engaged in sex acts with a minor male child whom he had been babysitting. Avila told investigators that he had been pressured into creating the child pornography by an individual he identified as "Elijah" on the Snapchat application.

4. Based on my training and experience, I am aware that Snapchat is an Internet-based multimedia messaging and communication application that was developed by Snap Inc. The application may be downloaded onto any digital device and allows users to exchange messages (text, images, and videos) as well as to post stories through its online platform. Snapchat messages are designed to disappear, meaning that messages and content will only be visible to other users for limited periods of time, as established by the sender.

5. CID investigators identified “Elijah” as Elijah Anthony Serna (SERNA) and showed Avila photographs of SERNA. Avila confirmed that SERNA was the individual he communicated with on Snapchat (username “lijah1205”). Based on this information, CID investigators referred the investigation of SERNA to FBI-Manhattan, Kansas. On September 25, 2019, FBI agents applied for and obtained a federal search warrant for the contents of SERNA’s Snapchat account, “lijah1205.”¹ Reviewing the information provided by Snapchat pursuant to the search warrant, agents observed a number of images and videos of child pornography. Specifically, agents observed images of an adult male placing his erect penis in a child’s hand and performing oral sex on a prepubescent male’s penis. The agents also observed chats in which SERNA distributed the images and videos to others, and identified the child depicted in those files as a prepubescent male whom he knew.

6. Through further investigation, FBI-Kansas agents determined that SERNA was associated with an address in Lubbock, Texas, but had moved to Huntsville, Texas, to start classes at Sam Houston State University, in August 2019. The matter was then referred to FBI agents in Bryan, Texas who obtained a federal search warrant for SERNA’s residence in Huntsville.

7. Agents served the warrant on December 11, 2019, and encountered SERNA, who agreed to speak with them. During a post-*Miranda* interview, SERNA admitted that he had filmed himself performing oral sex on the prepubescent male (hereafter “Victim 1”) and also stated that he had “grinded up” on Victim 1, by putting

¹ SERNA was born on December 5. Accordingly, this Snapchat username appears to be an abbreviation of his name and birthdate.

his penis on the minor male's buttocks. SERNA stated that he believed Victim 1 to have been 11-years old at the time of the abuse. FBI agents seized SERNA's cellular phone and observed images and videos of SERNA and Victim 1 engaged in various sexual acts. Agents arrested SERNA and, the next day, a United States Magistrate Judge for the Southern District of Texas issued a complaint and arrest warrant for SERNA, charging a violation of 18 U.S.C. § 2252A(a)(5)(B), possession of child pornography. *See United States v. Elijah Anthony Serna*, 4:19MJ2293 (S.D.Tex.). FBI agents arrested SERNA pursuant to that warrant and SERNA remains in federal custody within the Southern District of Texas.

8. Your affiant learned that prior to moving to Huntsville, SERNA had been living with family members at a single-family residence in McKinney, Texas, within the Eastern District of Texas. SERNA told agents that he captured the images of himself engaged in sex acts with the child at the residence in McKinney, during Victim 1's visit.

9. Meanwhile, FBI agents in Lubbock, Texas located Victim 1's parents. The parents identified their child through sanitized images and confirmed that Victim 1 would have seen SERNA during visits to McKinney, Texas. The parents also advised that Victim 1's birthday is in the spring, so he would have been 10-years old in any files filmed in June 2019. Victim 1's parents also provided law enforcement with the shorts Victim 1 was wearing in at least one video.

10. As part of this investigation, I reviewed the contents of the search warrant return from Snapchat. Within "lijah1205's" account, I observed chats between SERNA and other individuals about SERNA's sexual abuse of Victim 1. For example, I located a

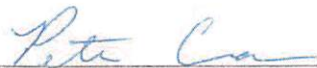
chat, dated June 6, 2019, between SERNA and another Snapchat user. In that chat, the Snapchat user asked SERNA to see a photograph with Victim 1. In response, SERNA distributed a file with the identifier A9909BCB-70FA-47B4-8DDE-7198F40BDABA through the Snapchat application. The file is a video depicting SERNA licking and performing oral sex on Victim 1. Based on my training and experience, this file also constitutes child pornography, as defined by 18 U.S.C. § 2256(8). After distributing the file, SERNA told the other Snapchat user that Victim 1 would be staying for another two days. The two then discussed the benefits of abusing children while they are asleep and their mutual desire for SERNA to continue abusing Victim 1.

11. Thereafter, I interviewed the homeowners at the residence in McKinney, who confirmed that SERNA lived with them from before Thanksgiving in November 2018 and through August 2019, and that Victim 1 visited the residence in or about June 2019. I observed furniture in the residence that matched furniture in other files depicting Victim 1 from in or around June 2019. Moreover, the bedding in the video SERNA distributed matched the bedding from other files depicting Victim 1 that were filmed in McKinney, Texas.

CONCLUSION

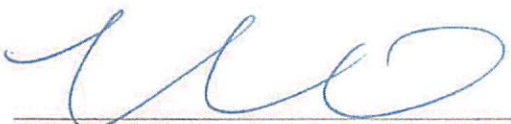
12. Based on the facts and circumstances set forth in this affidavit, I submit that there is probable cause to believe that on or about June 6, 2019, within the Eastern District of Texas, Elijah SERNA did knowingly employ, use, persuade, induce, entice, or coerce Victim 1, a minor, to engage in sexually explicit conduct for the purposes of producing a visual depiction of such conduct, such visual depiction being transported or

transmitted using any means or facility of interstate or foreign commerce, in violation of 18 U.S.C. § 2251(a); and Elijah SERNA did knowingly distribute any child pornography using any means or facility of interstate or foreign commerce, including by computer, in violation of 18 U.S.C. § 2252A(a)(2)(A).



Peter Craanen
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on January 3, 2020.



HON. KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF TEXAS

06882-579

AO 442 (Rev. 11/11) Arrest Warrant

ORIGINAL

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF TEXAS

United States of America

v.

Elijah Anthony Serna

Case No. 4:20MJ1

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

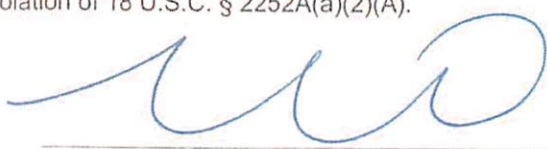
YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Elijah Anthony Serna

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

On or about June 6, 2019, Elijah SERNA did knowingly employ, use, persuade, induce, entice, or coerce Victim 1, a minor, to engage in sexually explicit conduct for the purposes of producing a visual depiction of such conduct, such visual depiction being transported or transmitted using any means or facility of interstate or foreign commerce, in violation of 18 U.S.C. § 2251(a); and Elijah SERNA did knowingly distribute any child pornography using any means or facility of interstate or foreign commerce, including by computer, in violation of 18 U.S.C. § 2252A(a)(2)(A).

Date: 01/03/2020 1:09


Issuing officer's signature

City and state: Plano, Texas

Hon. Kimberly C. Priest Johnson, U.S. Magistrate Judge

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title